

Trafficking in Persons Report 2012

SRI LANKA (Tier 2)

Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women, and children subjected to forced labor and sex trafficking. Sri Lankan men, women, and some children (16 to 17-year olds) migrate consensually to Saudi Arabia, Kuwait, Qatar, the United Arab Emirates, Jordan, Bahrain, Lebanon, Iraq, Afghanistan, Malaysia, and Singapore to work as construction workers, domestic servants, or garment factory workers. Some of these workers, however, subsequently face conditions of forced labor including restrictions on movement, withholding of passports, threats, physical or sexual abuse, and threats of detention and deportation for immigration violations. Before their departure, many male migrant workers go into debt to pay high recruitment fees imposed by unscrupulous licensed labor recruitment agencies and their unlicensed sub-agents. These agencies and agents also commit recruitment fraud by engaging in contract switching: defined as the promising of one type of job and conditions but then changing the job, employer, conditions, or salary after arrival. Women migrating abroad for work generally are not required to pay recruitment fees in advance, although many report paying off such fees through salary deductions. Some Sri Lankan women are promised jobs or began jobs as domestic workers, mainly in Singapore or Jordan, but were forced into prostitution. A small number of Sri Lankan women are forced into prostitution in the Maldives. Internally-displaced persons, war widows, and unregistered female migrants remained particularly vulnerable to human trafficking. In 2011, Sri Lankan victims were identified in Egypt, Poland, and the United States. Within the country, women and children are subjected to sex trafficking in brothels. Boys are more likely than girls to be forced into prostitution in coastal areas for domestic child sex tourism.

In addition, there are reports of children being subjected to bonded labor and forced labor in dry-zone farming areas on plantations, and in the fireworks and fish-drying industries. Some child domestic workers in Colombo, generally from the Tamil tea-estate sector of the country, are subjected to physical, sexual, and mental abuse, nonpayment of wages, and restrictions of their movement. A small number of women from Thailand, China, and countries in South Asia, Europe, and the former Soviet Union may be subjected to forced prostitution in Sri Lanka.

The Government of Sri Lanka does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government did not convict any trafficking offenders. Serious problems remain, particularly in protecting victims of trafficking in Sri Lanka and abroad, and not addressing official complicity in human trafficking. However, the government took strong preventative efforts, including the convictions of two labor recruitment agents who committed fraudulent recruitment offenses, and enhanced inter-ministerial coordination through monthly meetings.

Recommendations for Sri Lanka: Improve efforts to investigate and prosecute suspected trafficking offenses, and convict and punish trafficking offenders, particularly those responsible for recruiting victims with fraudulent offers of employment and excessive commission fees for the purpose of subjecting them to forced labor; develop and implement formal victim referral procedures; ensure that victims of trafficking found within Sri Lanka are not detained or otherwise penalized for unlawful acts committed as a direct result of their being trafficked, such as visa violations or prostitution; train local law enforcement on victim identification, investigation of cases, and assembling strong cases; facilitate the speedy repatriation of foreign trafficking victims by providing airfare and not obligating them to remain in the country if they choose to initiate law enforcement proceedings; provide witness protection and

incentives for victims to cooperate with law enforcement to enable prosecutions; improve services for shelters, legal aid, counseling, and trained staff at embassies in destination countries; promote safe tourism campaigns to ensure that child sex tourism does not increase with expected rapid growth of tourism; promote safe and legal migration rather than discouraging migration or imposing age restrictions on migrants; and improve regulation and monitoring of recruitment agencies and village-level brokers.

Prosecution

The Sri Lankan government's law enforcement response to human trafficking offenses was minimal during the reporting period. Sri Lanka prohibits all forms of trafficking through an April 2006 amendment to its penal code, which prescribes punishments of up to 20 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious offenses, such as rape. The National Child Protection Authority and Criminal Investigation Department (CID) investigated 44 reported cases of trafficking in 2011, and referred nine of these cases to the Attorney General's office for advice. During the year, the CID also jointly investigated a potential sex trafficking case with police in Singapore. There was no information on how many suspected trafficking offenders were prosecuted in the reporting period. The government did not convict any human trafficking offenders in the reporting period, in contrast to three traffickers convicted in the previous reporting period.

Government employees' complicity in trafficking remained a problem. There were allegations that police and other officials accepted bribes to permit brothels to operate; some of the brothels exploited trafficking victims. Many recruitment agencies were run by politicians or were politically connected. Some sub-agents cooperated with Sri Lankan officials to procure forged or modified documents, or real documents with false data, to facilitate travel abroad. There were no reported law enforcement actions taken against officials complicit in human trafficking. The government undertook law enforcement training. For instance, in August 2011, the Ministry of Justice and the Judges' Training Institute trained 80 judges, in collaboration with the ILO, on issues such as the application of international standards within domestic trafficking legislation, and the trauma for trafficking victims during the judicial process. In December 2011, the Sri Lanka Bureau of Foreign Employment (SLBFE) organized a workshop for 80 district-level government officials on identifying victims and sending case information to relevant law enforcement departments.

Protection

The government made limited progress in protecting victims of trafficking during the year. Government personnel did not develop or employ systematic procedures for proactively identifying trafficking victims or referring them to care facilities. The SLBFE continued to operate, through Sri Lankan embassies in some destination countries, short-term shelters, as well as an overnight shelter in Sri Lanka's international airport for returning female migrant workers who encountered abuse abroad. These facilities were funded by fees the SLBFE collected from registered migrant workers prior to their departure. There were complaints that the shelters were grossly overcrowded with unhygienic conditions, and that at least one did not permit the residents to leave the premises. There have been some reports of abuse by Sri Lankan embassy officials in shelters abroad, and one official in a Sri Lankan embassy reportedly condoned passport withholding – a sign of human trafficking – by employees in that country. Child trafficking victims received shelter, schooling, and medical, legal, and psychological services from the Department of Probation and Child Care Services.

The government has not yet established a trafficking shelter with IOM, as noted in the 2011 TIP Report. The government did not encourage victims to assist in the investigation and prosecution of trafficking cases; instead, they sometimes forced victims to remain in the country (without the permission to seek employment) and testify if they chose to file charges. The government penalized some adult victims of trafficking through detention for unlawful acts committed as a direct result of being trafficked. Most commonly, these acts were violations of their visa status or prostitution. All detainees who were awaiting deportation for visa violations, including trafficking victims, remained in detention facilities until they raised enough money to pay for their plane ticket home, which in some cases has taken years.

Prevention

The Sri Lankan government made progress in its efforts to prevent trafficking during the last year. The government's inter-ministerial anti-trafficking task force met monthly, improving communication between ministries, and invited ten civil society organizations to one meeting in October 2011. In January 2012, the Colombo High Court sentenced two recruitment agents for offenses that included fraudulent recruitment. The agents were sentenced to two years' imprisonment and a fine, paid to the mother of the migrant workers who filed the complaint. The SLBFE continued to require migrant domestic workers with no experience working in the Middle East to complete a 12-day pre-departure training course, funded by fees the SLBFE collected from the departing migrant workers. It is not known how many migrant workers completed this course in the reporting period. In measures that could prevent transnational labor trafficking of Sri Lankans, the SLBFE reported that it filed 276 charges against recruitment agencies in 2011 for charging illegal fees in recruitment, conducted 73 raids against employment agents (in comparison to 84 in 2010), and fined recruitment agencies found to be guilty of fraudulent practices over the equivalent of \$25,000 (in comparison to \$40,000 in 2010). The government worked on several awareness-raising initiatives with the ILO. In one initiative, the government, in partnership with the ILO, developed a handbook for migrants bound for Saudi Arabia and Kuwait, including information on the relevant labor laws, descriptions of forced labor and trafficking, and contact information. The SLBFE printed and distributed 40,000 copies of the handbook to all registered migrant workers heading to those two countries. The Government of Sri Lanka, working with the UNDP, continued to provide personnel time to conduct mobile documentation clinics for conflict-affected people. The Government of Sri Lanka did not report any efforts to reduce the demand for commercial sex acts during the reporting period. The Ministry of Defense provided anti-trafficking training to all Sri Lankan peacekeepers prior to their deployments abroad for international peacekeeping missions. Sri Lanka is not a party to the 2000 UN TIP Protocol.

Full report: <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm>